



## United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/992,935	11/05/2001	Yoshitsugu Taki	7217/65951	9177	
7590 04/15/2004			EXAMINER		
JAY H. MAIOLI			CHEN, TIANJIE		
Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			ART UNIT	PAPER NUMBER	
			2652		
			DATE MAILED: 04/15/2004	LED: 04/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner Tanjie Chen Tanjie Che						
Examiner Tianijie Chen  2652  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  □ Extensions of term may be available under the previsions at 31 CPR 1.138(a). In no event, however, may a reply be timely filled □ If the period for reply is pecified above, the macentum statutory period will apply and will expire (30) days will be contained timely. □ If No period for reply is pecified above, the macentum statutory period will apply and will expire (30) days will be contained timely. □ If No period for reply is pecified above, the macentum statutory period will apply and will expire (30) (40) served the period of the communication. □ If the period for reply is pecified above, the macentum statutory period will apply and will expire (30) (40) will be officed above. The macentum adjustment. See 37 CPR 1.704(b). □ If the period for reply is pecified above, the macentum adjustment. See 37 CPR 1.704(b). □ If the period for reply is period above. The macentum adjustment. See 37 CPR 1.704(b). □ If the period for reply is period above. The macentum adjustment adjustment. See 37 CPR 1.704(b). □ If the period for reply is period and the macentum adjustment. See 37 CPR 1.704(b). □ If the period is application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. □ Disposition of Claims □ If the period is application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. □ Claim(s) is fare allowed. □ If the period is application is objected to by the Examiner. □ If the period is application is objected to by the Examiner. □ If the period is application is objected to by the Examiner. □ If the period is		Application No.	Applicant(s)			
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions for many be available under the provisions of 50°CR 1.35(e), in no event, horeover, may a reply be limbly filed  - Extensions for reply specified above is less than hirty (30) days, a reply within the statutory minimum of thinty (30) days will be considered timely.  - If the period for reply specified above is less than hirty (30) days, a reply within the statutory minimum of thinty (30) days will be considered timely.  - If the period for reply specified above is less than hirty (30) days, a reply within the statutory minimum of thinty (30) days will be considered timely.  - If the period for reply specified above is less than hirty (30) days, a reply within the statutory minimum of the minimum		pears on the cover sheet with the c	orrespondence address			
1) Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be time y within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE.	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
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Application/Control Number: 09/992,935

Art Unit: 2652

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-8, drawn to a tape library, classified in class 360, subclass 92.

II Claims 9-15, drawn to a basic unit, classified in class 360, subclass 94.

III. Claims 16 and 17, drawn to an expansion unit, classified in class 360,

subclass 91.

The inventions are distinct, each from the other because of the following reasons: Inventions I and II, III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed in Group I does not require the particular "control circuit" disclosed in Groups II and III. The subcombination of Groups II and III have separate utility such as for a disk library.

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one

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claim remaining in the application. Any amendment of inventorship must be

accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37

CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tianjie Chen whose telephone number is (703) 305-

7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hen franze
Tianjie Chen

04/3/04

Primary Examiner

Art Unit 2652